

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Jeffery ERRINGTON et al. :  
Serial No. NEW : **Attn: APPLICATION BRANCH**  
Filed January 20, 2004 : Attorney Docket No. 2004\_0091

BACILLUS STRAIN AND ANTIBIOTIC  
SCREENING METHOD  
(Rule 1.53(b) Continuation of Serial No. 10/026,828,  
Filed December 27, 2001)

---

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of ☒ the references listed on attached form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. 10/026,828.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☐ the concise explanation contained in the specification of the present application at page ,
  - d. ☐ the concise explanation set forth in the attached English language abstract,
  - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Jeffery ERRINGTON et al.

By Warren M. Cheek, Jr.  
Warren M. Cheek, Jr.  
Registration No. 33,367  
Attorney for Applicants

WMC/dlk  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
January 20, 2004

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: January 20, 2004

ATTY DOCKET NO.  
2004\_0091SERIAL NO.  
NEWAPPLICANT  
Jeffery ERRINGTON et al.FILING DATE  
January 20, 2004

GROUP

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AC	97 00325 A	1/3/97	WO			
	AD	98 26087	6/18/98	WO			
	AE						
	AF						
	AG						
	AH						
	AI						

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AJ	S. R. Partridge et al., "The importance of morphological events and intercellular interactions in the regulation of prespore-specific gene expression during sporulation in <i>Bacillus subtilis</i> ", Molecular Microbiology, Vol. 8, No. 5, pp. 945-955, 1993.
	AK	D. Sun et al., "Effect of chromosome location of <i>Bacillus subtilis</i> forespore genes on their <i>spo</i> gene dependence and transcription by Eo <sup>F</sup> : Identification of features of good Eo <sup>F</sup> -dependent promoters", Journal of Bacteriology, Vol. 173, No. 24, pp. 7867-7874, December 1991.
	AL	K. Ireton et al., "spoOJ is required for normal chromosome segregation as well as the initiation of sporulation in <i>Bacillus subtilis</i> ", Journal of Bacteriology, Vol. 176, No. 17, pp. 5320-5329, September, 1994.
	AM	M. Sharpe et al., "The <i>Bacillus subtilis</i> <i>soj-spoOJ</i> locus is required for a centromere-like function involved in prespore chromosome partitioning", Molecular Microbiology, Vol. 21, No. 3, pp. 501-509, 1996
	AN	Sharpe et al., "Postseptational chromosome partitioning in bacteria", Proc. Natl. Acad. Sci. USA Vol. 92: pp. 8630-8634, Sept. 1995.
	AO	Jeffery Errington, " <i>Bacillus subtilis</i> Sporulation: Regulation of Gene Expression and Control of Morphogenesis", Microbiological Reviews, pp. 1-33, March 1993.

EXAMINER

DATE CONSIDERED